

Town Board Minutes

March 16, 2015

Meeting No. 9

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 16th day of March 2015 at 7:00 P.M. and there were

PRESENT: JOHN ABRAHAM , COUNCIL MEMBER
MARK AQUINO, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
DINO FUDOLI, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
JOHN DUDZIAK, TOWN ATTORNEY
LEONARD CAMPISANO, ASST. CODE ENFORCEMENT
OFFICER
GERALD GILL, CHIEF OF POLICE
MARK LUBERA, INTERIM DIRECTOR, PARKS, RECREATION,
FORESTRY & GROUNDS
DANIEL AMATURA, HIGHWAY SUPERINTENDENT
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES
JOHN TROJANOWSKY, EXEC. DIRECTOR, YOUTH BUREAU

EXECUTIVE SESSION:

AT 7:05 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER AQUINO AND CARRIED, the Town Board entered into Executive Session at the request of the Town Attorney under Attorney-Client Privilege.

At 7:11 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Beutler, Daniel, spoke to the Town Board on the following matter:

- He has heard that the State plans to repair Transit Road in Depew.

Chowaniec, Lee, spoke to the Town Board on the following matters:

- Highway Department Pre-Engineered Building.
- Rezone of Broadway property for patio homes.

Czuprynski, Mike, spoke to the Town Board on the following matter:

- Wetlands issues on his property and his neighbor's property.

Ezzo, George, spoke to the Town Board on the following matter:

- Radiant heat comments.

Forys, John, spoke to the Town Board on the following matter:

- Opposed to rezone of Broadway property for patio homes.

Fronczak, Mike, spoke to the Town Board on the following matters:

- Highway Department Pre-Engineered Building.
- Questioned pay raises for non-bargaining employees and a particular employee.
- Expenditure of funds for highway/road repairs.

Hangauer, Carmen, spoke to the Town Board on the following matter:

- Questioned the Supervisor about his vote on a particular matter.

Kazmierczak, Tom, spoke to the Town Board on the following matter:

- Unsafe condition of William Street.

Lissfelt, Kathy, spoke to the Town Board on the following matter:

- Opposed to rezone of Broadway property for patio homes.

PRESENTATION OF PREFILED RESOLUTIONS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Joint Meeting of the Town Board and the Planning Board held March 2, 2015 and the Regular Meeting of the Town Board held March 2, 2015 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

| | | |
|--------------------------|-----------|-----|
| COUNCIL MEMBER ABRAHAM | VOTED | YES |
| COUNCIL MEMBER AQUINO | VOTED | YES |
| COUNCIL MEMBER RUFFINO | VOTED | YES |
| COUNCIL MEMBER STEMPNIAK | ABSTAINED | |
| SUPERVISOR FUDOLI | VOTED | YES |

March 16, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered
paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk
by the Assistant to the Supervisor, to wit:

Claim No. 39188 to Claim No. 39365 Inclusive

Total amount hereby authorized to be paid: \$4,145,800.78

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

| | | |
|-------------------------|-------|-----|
| COUNCIL MEMBER ABRAHAM | VOTED | YES |
| COUNCIL MEMBER AQUINO | VOTED | YES |
| COUNCIL MEMBER RUFFINO | VOTED | YES |
| COUNCIL MEMBER STEMPIAK | VOTED | YES |
| SUPERVISOR FUDOLI | VOTED | YES |

March 16, 2015

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AQUINO, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:
(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town of Lancaster are waived for this permit.
(CSW) = Conditional sidewalk waiver
(V/L) = Village of Lancaster

NEW PERMITS:

| Pmt # | SW | Applicant Name | Address | STRUCTURE | Village |
|-------|----|----------------------------|-----------------------|---------------------|---------|
| 23616 | | RJF Development JV | 45 Middlebury Ln | Er. Dwlg.-Sin. | |
| 23623 | | Pleasant Meadows Assoc LLC | 30 Newberry Ln | Er. Dwlg.-Sin. | |
| 23625 | | Pleasant Meadows Assoc LLC | 36 Newberry Ln | Er. Dwlg.-Sin. | |
| 23626 | | Windsor Ridge Partners LLC | 38 Worthington Ln | Er. Dwlg.-Sin. | |
| 23627 | | CBD Companies of CNY LLC | 5007 Transit Rd | Er. Comm. Add./Alt. | |
| 23628 | | Paul Blatner | 190 Siebert Rd | Inst. Generator | |
| 23629 | | Forbes Homes, Inc | 11 Silent Meadow Lane | Er. Dwlg.-Sin. | |
| 23630 | | Forbes Homes, Inc. | 20 Branch Way | Er. Dwlg.-Sin. | |
| 23631 | | Jerry Seawood Jr. | 88 Robert Dr | Re-Roof | (V/L) |
| 23632 | | Nathan & Jessica Rush | 26 Pinetree Dr | Er. Shed | |
| 23633 | | Windsor Ridge Partners LLC | 46 Worthington Ln | Er. Dwlg.-Sin. | |

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

| | | |
|--------------------------|-------|-----|
| COUNCIL MEMBER ABRAHAM | VOTED | YES |
| COUNCIL MEMBER AQUINO | VOTED | YES |
| COUNCIL MEMBER RUFFINO | VOTED | YES |
| COUNCIL MEMBER STEMPNIAK | VOTED | YES |
| SUPERVISOR FUDOLI | VOTED | YES |

March 16, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Highway Superintendent has submitted a proposed Agreement to the Town Board of the Town of Lancaster for the expenditure of highway funds for the year 2015, pursuant to the requirements of the Highway Law of the State of New York, and

WHEREAS, the Highway Superintendent has advised that the allocation of money in the proposed Agreement for general repairs to be carried out includes the cost of labor and materials, and

WHEREAS, the Town Board of the Town of Lancaster has reviewed the proposal by the Highway Superintendent;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster does hereby authorize the execution of the proposed Agreement to Spend Town Highway Funds for the year 2015, as submitted by the Superintendent of Highways.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

| | | |
|--------------------------|-------|-----|
| COUNCIL MEMBER ABRAHAM | VOTED | YES |
| COUNCIL MEMBER AQUINO | VOTED | YES |
| COUNCIL MEMBER RUFFINO | VOTED | YES |
| COUNCIL MEMBER STEMPNIAK | VOTED | YES |
| SUPERVISOR FUDOLI | VOTED | YES |

March 16, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, a Public Hearing was held on the 2nd day of March, 2015 for the purpose of amending Chapter 46 -Vehicle and Traffic Ordinance of the Code of the Town of Lancaster and persons for and against such amendment have had an opportunity to be heard,

WHEREAS, a Notice of said Public Hearing was duly published and posted

**NOW, THEREFORE, BE IT
RESOLVED**, as follows:

- 1. That Chapter 46, Vehicle and Traffic Ordinance of the Code of the Town of Lancaster be amended in the form attached hereto and made a part hereof;
- 2. That said amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on March 16, 2015;
- 3. That a Certified Copy thereof be published in an official newspaper of general circulation on March 19, 2015;
- 4. That a Certified Copy of the amendment be posted on the Town Bulletin Board:
- 5. That Affidavits of Publication and Posting be filed with the Town Clerk;
- 6. That the Highway Superintendent take whatever action is necessary to install signs in accordance with the Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

| | | |
|--------------------------|-------|-----|
| COUNCIL MEMBER ABRAHAM | VOTED | YES |
| COUNCIL MEMBER AQUINO | VOTED | YES |
| COUNCIL MEMBER RUFFINO | VOTED | YES |
| COUNCIL MEMBER STEMPNIAK | VOTED | YES |
| SUPERVISOR FUDOLI | VOTED | YES |

March 16, 2015

**LEGAL NOTICE
NOTICE OF ADOPTION
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**

NOTICE IS HEREBY GIVEN that the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of the Town of Lancaster is hereby amended as follows:

CHAPTER 46

ARTICLE X – Parking, Standing, and Stopping

46-12. Parking prohibited in designated locations, is hereby amended by adding thereto the following:

- A. The parking of vehicles is hereby prohibited in any of the following locations:

(34) Windsor Ridge Subdivision

- (a) On the south side of Windsor Ridge from #2 Windsor Ridge, west to the intersection of Lake Avenue.**

and

ARTICLE X – Parking, Standing, and Stopping

46-13. Standing prohibited in designated locations, is hereby amended by adding thereto the following:

- A. The standing of vehicles is hereby prohibited in any of the following locations:

(34) Windsor Ridge Subdivision

- (a) On the south side of Windsor Ridge from #2 Windsor Ridge, west to the intersection of Lake Avenue.**

March 16, 2015

**STATE OF NEW YORK :
COUNTY OF ERIE :
OF LANCASTER :**

THIS IS TO CERTIFY that I, **JOHANNA M. COLEMAN**, Town Clerk of the Town of Lancaster in the said Town of Lancaster in the said County of Erie, have compared the foregoing copy of an amendment to the Vehicle and Traffic Ordinance of the Town of Lancaster, with the original thereof filed in my office at Lancaster, New York on the 16th day of March 2015 and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town, this 16th day of March, 2015.

Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AQUINO, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning Section 17 (F) of the Code of the Town of Lancaster, upon the application of **Charles A Giambrone**, for a Special Use Permit for **QUAD 4 WHEEL DRIVE, Inc.**, to provide automotive repair services on premises located at 505 Erie Street, Building A, in the Town of Lancaster, New York, and the Board issued such Special Use Permit on April 4, 2011, this Special Use Permit is subject to renewal upon application by the property owner, and

WHEREAS, **Charles A Giambrone** has requested that the Town Board renew the Special Use Permit for an additional two (2) year period, and

WHEREAS, the Code Enforcement Officer has recommended his approval of this Special Use Permit in his letter dated January 20, 2015;

**NOW THEREFORE, BE IT
RESOLVED, as follows:**

1. That pursuant to Chapter 50-Zoning, Section 20 (B)(1), entitled “Commercial and Motor Service District (CMS)”, of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **Charles A Giambrone**, owner of **QUAD 4 WHEEL DRIVE, Inc.**, to provide an automotive repair business on premises located at 505 Erie Street, Building A in the Town of Lancaster, upon the terms and conditions as set forth in the Zoning Ordinance for the period beginning April 4, 2015 and ending April 3, 2017, and

2. That the applicant will continue in compliance with conditions as set forth in Chapter 50, Section F, of the Code of the Town of Lancaster as long as the applicant continues to engage in an automotive repair business on the premises, namely

- A. Bay doors on east side of building cannot be open more than seven (7) feet except when bringing vehicles in or out of the business.
- B. Security cameras will be positioned away from the backyard of the residence to the east of the business.
- C. Business must operate within all confines of the Town of Lancaster’s noise ordinance.
- D. Permit must be renewed every two (2) years at no additional cost to the applicant.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

| | | |
|-------------------------|-------|-----|
| COUNCIL MEMBER ABRAHAM | VOTED | YES |
| COUNCIL MEMBER AQUINO | VOTED | YES |
| COUNCIL MEMBER RUFFINO | VOTED | YES |
| COUNCIL MEMBER STEMPIAK | VOTED | YES |
| SUPERVISOR FUDOLI | VOTED | YES |

March 16, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning Section 17 (F) of the Code of the Town of Lancaster, upon the application of **Robert S. Sugg, Jr.**, for a Special Use Permit for **B & S ENTERPRISES**, to provide automotive repair services on premises located at 505 Erie Street, Building A, in the Town of Lancaster, New York, and the Board issued such Special Use Permit on April 4, 2011, this Special Use Permit is subject to renewal upon application by the property owner, and

WHEREAS, **Robert S. Sugg, Jr.**, has requested that the Town Board renew the Special Use Permit for an additional two (2) year period, and

WHEREAS, the Code Enforcement Officer has recommended his approval of this Special Use Permit in his letter dated January 15, 2015;

**NOW THEREFORE, BE IT
RESOLVED, as follows:**

1. That pursuant to Chapter 50-Zoning, Section 20 (B) (1), entitled "Commercial and Motor Service District (CMS)", of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **Robert S. Sugg, Jr.**, owner of **B & S ENTERPRISES**, to provide an automotive repair business on premises located at 505 Erie Street, Building A in the Town of Lancaster, upon the terms and conditions as set forth in the Zoning Ordinance for the period beginning April 4, 2015 and ending April 3, 2017, and

2. That the applicant will continue in compliance with conditions as set forth in Chapter 50, Section F, of the Code of the Town of Lancaster as long as the applicant continues to engage in an automotive repair business on the premises, namely

- A. Bay doors on east side of building cannot be open more than seven (7) feet except when bringing vehicles in or out of the business.
- B. Security cameras will be positioned away from the backyard of the residence to the east of the business.
- C. Business must operate within all confines of the Town of Lancaster's noise ordinance.
- D. Permit must be renewed every two (2) years at no additional cost to the applicant.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

| | | |
|-------------------------|-------|-----|
| COUNCIL MEMBER ABRAHAM | VOTED | YES |
| COUNCIL MEMBER AQUINO | VOTED | YES |
| COUNCIL MEMBER RUFFINO | VOTED | YES |
| COUNCIL MEMBER STEMPIAK | VOTED | YES |
| SUPERVISOR FUDOLI | VOTED | YES |

March 16, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, the Town Line Volunteer Fire Department, Inc., by letter dated March 2, 2015, has requested the addition of one (1) member to the roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the addition to the membership of the Town Line Volunteer Fire Department the following individual:

ADDITIONS:

Mitchell LeRocque
Williamsville, NY

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

| | | |
|-------------------------|-------|-----|
| COUNCIL MEMBER ABRAHAM | VOTED | YES |
| COUNCIL MEMBER AQUINO | VOTED | YES |
| COUNCIL MEMBER RUFFINO | VOTED | YES |
| COUNCIL MEMBER STEMPIAK | VOTED | YES |
| SUPERVISOR FUDOLI | VOTED | YES |

March 16, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AQUINO, TO WIT:

WHEREAS, the Town Board is considering the construction by Benderson Development Company, LLC of a 11,920 sq. ft. retail building located at 4931 Transit Road in the Town of Lancaster, and

WHEREAS, the Town of Lancaster Municipal Review Committee has reviewed the environmental impact of this construction project pursuant to SEQR regulations at their meeting on March 2, 2015 and recommended that a Negative Declaration be issued, and

WHEREAS, the Town Board has duly considered the plans for the building, the short Environmental Assessment Form, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the State Environmental Quality Review Act (“SEQRA”) regulations, and such other information deemed appropriate, including the recommendation of the Municipal Review Committee; and

WHEREAS, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination; and

WHEREAS, the proposed action has been labeled an “Unlisted” action under SEQRA.

NOW, THEREFORE,
BE IT RESOLVED by the Town Board of the Town of Lancaster that:

1. This project is described as a site plan to allow for an increase in square footage from the previously approved 10,545 square feet to the currently proposed 11,920 square feet along with shifting the proposed building approximately forty feet to the west to provide for greater visibility from William Street and it will not result in any large and important impacts and, therefore, it is an action which will not have a significant adverse impact on the environment, and therefore the Board issues the attached negative declaration of environmental significance for the reasons stated therein.
2. The Town Clerk shall file a copy of the Negative Declaration in the file for the Project.
3. The Town Attorney's Office shall prepare and file a Notice of Determination of Non-Significance with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal.
4. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

| | | |
|-------------------------|-------|-----|
| COUNCIL MEMBER ABRAHAM | VOTED | YES |
| COUNCIL MEMBER AQUINO | VOTED | YES |
| COUNCIL MEMBER RUFFINO | VOTED | YES |
| COUNCIL MEMBER STEMPIAK | VOTED | YES |
| SUPERVISOR FUDOLI | VOTED | YES |

March 16, 2015

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

Dated: March 16, 2015

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Lancaster Town Board (the “Town Board”), has reviewed the proposed construction of a 11,920 sq. ft. retail building on a 1.2 acre parcel. The Town Board has determined the Project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Benderson Development Proposed 11,920 SF Retail Building

Location of Action: 4931 Transit Road, Lancaster, New York 14086, Erie County.

SEQR Status: Unlisted Action.

Description of Action: A site plan to allow for an increase in square footage from the previously approved 10,545 square feet to the currently proposed 11,920 square feet along with shifting the proposed building approximately forty feet to the west to provide for greater visibility from William Street.

Reasons Supporting this Determination: Potential environmental impacts associated with the Project were identified in the Environmental Assessment Form. The Town analyzed the project under the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below based on each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment.

1. The proposed action will not create a material conflict with an adopted land use plan or zoning regulations.
2. The proposed action will not result in a change in the use or intensity of use of land.
3. The proposed action will not impair the character or quality of the existing community.
4. The Town of Lancaster has not established a Critical Environmental Area (CEA).
5. The proposed action will not result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway.
6. The proposed action will not cause an increase in the use of energy or fail to incorporate reasonably available energy conservation or renewable energy opportunities.
7. The proposed action will not impact existing public/private water supplies or public/private wastewater treatment utilities.

8. The proposed action will not impair the character or quality of important historic, archaeological, architectural or aesthetic resources.
9. The proposed action will not result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora or fauna).
10. The proposed action will not result in an increase in the potential for erosion, flooding or drainage problems.
11. The proposed action will not create a hazard to environmental resources or human health.

For Further Information:

| | |
|-------------------|--------------------------------|
| Contact Person: | John M. Dudziak, Town Attorney |
| | Town of Lancaster |
| Address: | 21 Central Avenue |
| | Lancaster, New York 14086 |
| Telephone Number: | (716) 684-3342 |

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AQUINO, TO WIT:

WHEREAS, the Town Board is considering the Rezone of 00 Broadway (SBL# 116.00-1-13.11 & 116.00-1-18.21) from Residential District One (R-1) and Residential Commercial Office District (RCO) to Multi-Family Residential District Three (MFR-3) located within the Town of Lancaster and submitted by Tyler Development LLC, and

WHEREAS, the Town of Lancaster Municipal Review Committee has reviewed the potential adverse environmental impacts of rezoning the property pursuant to SEQRA regulations at their meeting on March 2, 2015 and recommended that a Negative Declaration be issued, and

WHEREAS, the Town Board has duly considered the plans for the Rezone, the Long Environmental Assessment Form, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the State Environmental Quality Review Act (“SEQRA”) regulations, and such other information deemed appropriate, including the recommendation of the Municipal Review Committee; and

WHEREAS, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination; and

WHEREAS, the proposed action has been labeled a “Type 1” action under SEQRA.

NOW, THEREFORE,
BE IT RESOLVED by the Town Board of the Town of Lancaster that:

1. The proposed Rezone of 00 Broadway (SBL# 116.00-1-13.11 & 116.00-1-18.21) from Residential District One (R-1) and Residential Commercial Office District (RCO) to Multi-Family Residential District Three (MFR-3), submitted by Tyler Development LLC will not result in any large and important impacts and, therefore, it is an action which will not have a significant adverse impact on the environment, and therefore the Board issues the attached negative declaration of environmental significance for the reasons stated therein.
2. The Town Clerk shall file a copy of the Negative Declaration in the file for the Project.
3. The Town Attorney's Office shall prepare and file a Notice of Determination of Non-Significance with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal.
4. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

| | | |
|--------------------------|-------|-----|
| COUNCIL MEMBER ABRAHAM | VOTED | YES |
| COUNCIL MEMBER AQUINO | VOTED | YES |
| COUNCIL MEMBER RUFFINO | VOTED | YES |
| COUNCIL MEMBER STEMPNIAK | VOTED | YES |
| SUPERVISOR FUDOLI | VOTED | YES |

March 16, 2015

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

Dated: March 16, 2015

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Lancaster Town Board (the “Town Board”), has reviewed the proposed Rezone of 00 Broadway from Residential District One (R-1) Residential Commercial Office District (RCO) to Multi-Family Residential District Three (MFR-3), located within the Town of Lancaster and submitted by Tyler Development, LLC. The Town Board has determined the Project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Broadway Patio Homes.

Location of Action: 00 Broadway (SBL# 116.00-1-13.11 & 116.00-1-18.21), Lancaster, New York.

SEQR Status: Type 1.

Description of Action: The proposed rezoning to site plan approval for a 46-unit patio home development on 14.21 acres of land in a mixed use area with commercial uses and high density residential uses in proximity to project.

Reasons Supporting this Determination: Potential environmental impacts associated with the Project were identified in the Environmental Assessment Form. The Town analyzed the project under the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below based on each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment.

1. **Impact on land** – A small impact is noted. The project will continue for more than one year. The depth to the water table is less than three feet, therefore, basements are not allowed.
2. **Impact on Geological Features** – None
3. **Impacts on Surface Water** – A small impact is noted. The project site is in a 100 year and 500 year floodplain and adjacent to a wetland.
4. **Impact on Groundwater** – None
5. **Impact on Flooding** – A small impact is noted. The proposed action may result in development within both a 100 year and 500 year floodplain; this shall be mitigated by proper design.
6. **Impact on Air** – None
7. **Impact on Plants and Animals** – None
8. **Impact on Agricultural Resources** – None
9. **Impact on Aesthetic Resources** – None

- 10. **Impact on Historic and Archeological Resources** – None
- 11. **Impact on Open Space and Recreation** – None
- 12. **Impact on Critical Environmental Areas**
 - The Town of Lancaster has not established a Critical Environmental Area (CEA).
- 13. **Impact on Transportation** - None
- 14. **Impact on Energy** - None
- 15. **Impact on Noise, Odor and Light** - None
- 16. **Impact on Human Health** - None
- 17. **Consistency with Community Plans** – A small impact is noted. The proposed action is inconsistent with zoning regulations.
- 18. **Consistency with Community Character** – A small impact is noted. The proposed action may create a demand for additional municipal services.

For Further Information:

| | |
|-------------------|--------------------------------|
| Contact Person: | John M. Dudziak, Town Attorney |
| | Town of Lancaster |
| Address: | 21 Central Avenue |
| | Lancaster, New York 14086 |
| Telephone Number: | (716) 684-3342 |

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, North Forest Development, 8201 Main Street, Suite 12, Williamsville, New York 14221, has petitioned the Town Board of the Town of Lancaster for the rezone of a parcel of land located at 2815 & 2819 Wehrle Drive (S.B.L. No.82.03-2-39.1), Lancaster, New York from a Residential Commercial Office District (RCO) to Commercial and Motor Service (CMS), and

WHEREAS, the Petition has been referred to the Planning Board of the Town of Lancaster for its recommendation and was approved at their March 4, 2015 meeting.

NOW, THEREFORE

BE IT RESOLVED, that pursuant to Sections 130 and 265 of the Town Law of New York a Public Hearing on the proposed rezone will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 6th day of April, 2015, at 7:15 o'clock P.M., Local Time, and that Notice of the Time and Place of such Hearing be published in the local newspaper of general circulation in said Town and be on the Town Bulletin Board, and that Notice of such Hearing be referred to the Erie County Department of Planning, pursuant to Section 239 (m) of the General Municipal Law, which Notice shall be in form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

| | | |
|--------------------------|-------|-----|
| COUNCIL MEMBER ABRAHAM | VOTED | YES |
| COUNCIL MEMBER AQUINO | VOTED | YES |
| COUNCIL MEMBER RUFFINO | VOTED | YES |
| COUNCIL MEMBER STEMPNIAK | VOTED | YES |
| SUPERVISOR FUDOLI | VOTED | YES |

March 16, 2015

LEGAL NOTICE
REZONE-PUBLIC HEARING
2815 & 2819 WEHRLE DRIVE
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on March 16, 2015, the said Town Board will hold a Public Hearing on the 6th day of April, 2015 at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property from a Residential Commercial Office District (RCO) to Commercial and Motor Service (CMS),for the property located at 2815 & 2819 Wehrle Drive (S.B.L. No.82.03-2-39.1) within the Town of Lancaster, New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE TOWN
OF LANCASTER**

BY: JOHANNA M. COLEMAN
Town Clerk

March 19, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER AQUINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, Pleasant Meadows Associates, 2730 Transit Road, W. Seneca, New York 14224 has applied to the Town Board of the Town of Lancaster for permits for Public Improvements upon real property in the Town of Lancaster within the Creekside at Pleasant Meadows, Subdivision VI, Phase III, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit applications that he has reviewed the improvement plans and permit applications for the installation of the Public Improvements requested, and that they conform to the Ordinances of the Town of Lancaster.

WHEREAS, due to a clerical error, the resolution adopted March 2, 2015 described said improvements as Private Improvements, and

WHEREAS, said improvements are actually Public Improvements.

NOW, THEREFORE, BE IT

RESOLVED, that the resolution adopted on March 2, 2015 authorizing Private Improvement Permits 736, 737 and 738 be hereby rescinded.

BE IT FURTHER

RESOLVED, that Public Improvement Permit Application Nos. 736, 737 and 738 of Pleasant Meadows Associates, 2730 Transit Road, West Seneca, New York 14224 which are permits for Public Improvements for the installation of:

| | |
|-------------------------------------|---|
| P.I.P. No.736 (Storm Sewer) | Creekside at Pleasant Meadows, Subdivision VI, Phase III, Magrum Lane. Installation of approx. 231 ± LF of 6" HDPE, 205 ± LF of 8" HDPE, 490 ± LF of 12" HDPE, 456 ± LF of 15" HDPE, standard rcvrs – 6 ea., manholes – 4 ea., Light duty rcvr – 3 ea., Backyard rcvr – 4 ea. |
| P.I.P. No. 737 (Water Line) | Creekside at Pleasant Meadows, Subdivision VI, Phase III, Magrum Lane. Installation of approx. 1,016 ± LF of 8" PVC waterline, hydrant assemblies -2ea., valves, bends and all other appurtenances for a complete installation. |
| P.I.P. No. 738 (Pavement & Curb) | Creekside at Pleasant Meadows, Subdivision VI, Phase III, Magrum Lane. Installation of 992 ± LF of 28' wide asphalt conc. Pavement, marifi 140N Fabric, 12" sub-base No. 2 (NYSDOT 304.03), 4" Base Type 1 (NYSDOT 403.18), 1,821 ± LF upright conc. Curb w/6' underdrain. |

be and are hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

| | | |
|-------------------------|-------|-----|
| COUNCIL MEMBER ABRAHAM | VOTED | YES |
| COUNCIL MEMBER AQUINO | VOTED | YES |
| COUNCIL MEMBER RUFFINO | VOTED | YES |
| COUNCIL MEMBER STEMPIAK | VOTED | YES |
| SUPERVISOR FUDOLI | VOTED | YES |

March 16, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the New York State Office of Alcoholism and Substance Abuse Services has awarded the Town of Lancaster Youth Bureau, under the direction of the Drug Abuse Prevention Council a grant for the period January 1, 2015 through November 1, 2015 in the amount of \$3,297.00 to fund the operation of its substance abuse prevention program, and

WHEREAS, the Town Board has previously authorized entering into a Memorandum of Understanding between the Town of Lancaster Youth Bureau and WNY United Against Drug & Alcohol Abuse, Inc. for use of New York State Office of Alcoholism and Substance Abuse Services funds, and

WHEREAS, the Town Board deems it in the public interest to collaborate with WNY United Against Drug & Alcohol Abuse, Inc. to provide services designed to reduce the frequency and severity of youth alcohol and substance abuse in the Town of Lancaster;

**NOW THEREFORE, BE IT
RESOLVED**, that Dino J. Fudoli, Supervisor of the Town of Lancaster, is hereby authorized to execute a Memorandum of Understanding between the Town of Lancaster Youth Bureau and WNY United Against Drug & Alcohol Abuse, Inc., for use of the New York State Office of Alcoholism and Substance Abuse Services’ funds in the amount of \$3,297.00 to continue operation of a substance abuse prevention program through the Town of Lancaster Youth Bureau.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

| | | |
|--------------------------|-------|-----|
| COUNCIL MEMBER ABRAHAM | VOTED | YES |
| COUNCIL MEMBER AQUINO | VOTED | YES |
| COUNCIL MEMBER RUFFINO | VOTED | YES |
| COUNCIL MEMBER STEMPNIAK | VOTED | YES |
| SUPERVISOR FUDOLI | VOTED | YES |

March 16, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, the Town of Lancaster previously entered into contracts with Concrete Applied Technologies Corp. (“CATCO”) and Erdman Anthony (“Erdman”), respectively, for the provision of services with respect to the Town’s capital project identified as the 2012 – Culvert Replacements and Structures Repairs Project (the “Project”); and

WHEREAS, both CATCO and Erdman have asserted claims for additional compensation for services provided to the Town with respect to the Project due to unforeseen conditions and related issues; and

WHEREAS, representatives of the Town have reviewed the claims submitted by CATCO and Erdman, and have separately met with representatives of CATCO and Erdman on several occasions and have exchanged detailed information regarding such claims for additional compensation; and

WHEREAS, as a result of those discussions, the Town Board now desires to enter into agreements with CATCO and Erdman, respectively, in order to resolve all claims for additional compensation on the Project submitted by CATCO and Erdman, and the Town Board has determined that such agreements are in the best interests of the Town.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves, as presented, the agreements with CATCO and Erdman, respectively, to resolve their respective claims for additional compensation on the Project.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

| | | |
|-------------------------|-------|-----|
| COUNCIL MEMBER ABRAHAM | VOTED | YES |
| COUNCIL MEMBER AQUINO | VOTED | YES |
| COUNCIL MEMBER RUFFINO | VOTED | YES |
| COUNCIL MEMBER STEMPIAK | VOTED | YES |
| SUPERVISOR FUDOLI | VOTED | YES |

March 16, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Executive Director of the Youth Bureau of the Town of Lancaster, by letter dated March 6, 2015, has recommended the appointment of one (1) individual to the position of Tutor part-time permanent at the Youth Bureau, working not more than nineteen and three-quarter hours per week.

NOW, THEREFORE, BE IT

RESOLVED, that the following individual be and is hereby appointed to the position of Tutor part-time permanent at the Youth Bureau, working not more than nineteen and three-quarter hours per week, effective March 16, 2015, and that this being a part-time position, provides no health insurance, sick days, vacation, or other fringe benefits not specifically mandated for part-time employees:

| <u>NAME</u> | <u>PAY RATE/HR.</u> |
|--|---------------------|
| Jennifer Johnson (new hire) Amherst, NY | \$16.00 |

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

| | | |
|-------------------------|-------|-----|
| COUNCIL MEMBER ABRAHAM | VOTED | YES |
| COUNCIL MEMBER AQUINO | VOTED | YES |
| COUNCIL MEMBER RUFFINO | VOTED | YES |
| COUNCIL MEMBER STEMPIAK | VOTED | YES |
| SUPERVISOR FUDOLI | VOTED | YES |

March 16, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AQUINO, TO WIT:

WHEREAS, the Town of Lancaster provides Year-Round Youth Development Programs to the residents within its geographical areas, and

WHEREAS, the Erie County Department of Social Services has awarded the Town of Lancaster a 2015 Youth Development Program award in the amount of \$22,500.00 for the period of January 1, 2015 through December 31, 2015, and

WHEREAS, John Trojanowsky, Youth Bureau Executive Director, has obtained all documents required by the County to secure the funding for the 2015 operation of the Town of Lancaster’s Year-Round Youth Development Program except for the executed 2015 Youth Agreement;

**NOW, THEREFORE, BE IT
RESOLVED,** that the Town Board of the Town of Lancaster hereby authorizes the Town Supervisor to execute the 2015 Youth Agreement to secure the NYS Office of Children and Family Services funds from the Erie County Department of Social Services for the operation of the Town of Lancaster’s 2015 Youth Development Program commencing January 1, 2015 and continuing through December 31, 2015.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

| | | |
|--------------------------|-------|-----|
| COUNCIL MEMBER ABRAHAM | VOTED | YES |
| COUNCIL MEMBER AQUINO | VOTED | YES |
| COUNCIL MEMBER RUFFINO | VOTED | YES |
| COUNCIL MEMBER STEMPNIAK | VOTED | YES |
| SUPERVISOR FUDOLI | VOTED | YES |

March 16, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Executive Director of the Youth Bureau of the Town of Lancaster, by letter dated March 11, 2015, has recommended the appointment of one (1) individual to the position of Tutor part-time permanent at the Youth Bureau, working not more than nineteen and three-quarter hours per week.

NOW, THEREFORE, BE IT

RESOLVED, that the following individual be and is hereby appointed to the position of Tutor part-time permanent at the Youth Bureau, working not more than nineteen and three-quarter hours per week, effective March 16, 2015, and that this being a part-time position, provides no health insurance, sick days, vacation, or other fringe benefits not specifically mandated for part-time employees:

| <u>NAME</u> | <u>PAY RATE/HR.</u> |
|--|---------------------|
| John Recktenwald (new hire) Buffalo, NY | \$16.00 |

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

| | | |
|-------------------------|-------|-----|
| COUNCIL MEMBER ABRAHAM | VOTED | YES |
| COUNCIL MEMBER AQUINO | VOTED | YES |
| COUNCIL MEMBER RUFFINO | VOTED | YES |
| COUNCIL MEMBER STEMPIAK | VOTED | YES |
| SUPERVISOR FUDOLI | VOTED | YES |

March 16, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER AQUINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, the computer cabling in the Office of the Town Clerk,
including the Tax Collection Office, is in need of upgrading; and

WHEREAS, on December 16, 2013 TechNet Task Group was authorized
by the Town Board to provide information technology services and support to the offices
situated in the Lancaster Town Hall; and

WHEREAS, TechNet Task Group has advised the Town Clerk that the
existing cabling is inadequate, unsafe, and in need of replacement; and

WHEREAS, TechNet Task Group has provided the Town Clerk a
proposal to write the bid specifications, review all bids, oversee the job of cable replacement
from start to finish, and connect all equipment to the new cable network for a fee not to
exceed \$4,200.00; and

WHEREAS, the Town Board has reviewed the proposal submitted by
TechNet Task Group for the aforementioned project.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby
authorizes TechNet Task Group to prepare the bid specifications and to oversee the project, in
accordance with the general terms of the aforementioned agreement, for a fee not to exceed
\$4,200.00.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

| | | |
|--------------------------|-------|-----|
| COUNCIL MEMBER ABRAHAM | VOTED | YES |
| COUNCIL MEMBER AQUINO | VOTED | YES |
| COUNCIL MEMBER RUFFINO | VOTED | YES |
| COUNCIL MEMBER STEMPNIAK | VOTED | YES |
| SUPERVISOR FUDOLI | VOTED | YES |

March 16, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AQUINO, TO WIT:

WHEREAS, the Highway Superintendent of the Town of Lancaster by letter dated March 8, 2015 has requested the purchase of one (1) new and unused **2015 Silverado 2500 4 x 4 DBL Cab** for use by the Highway Department, and

WHEREAS, the above-referenced truck is available from the Chautauqua County Department of Purchasing, Group V, Item 3 Vehicle 2 Base for an amount of \$31,773.45 through authorized dealer Emerling Chevrolet, which eliminates the need for competitive bidding pursuant to §103 of General Municipal Law, and

WHEREAS, the Highway Department will receive a trade-in allowance for their 2011 Ford F250 S Duty (Vin# 1FT7X2B67BEB41628) in the amount of \$13,000.00 which will bring the total expenditure for the new **2015 Silverado 2500 4 x 4 DBL Cab** to \$18,773.45;

WHEREAS, the Town Board deems it in the public interest to approve the purchase of said 2015 Silverado 2500 4 x 4 DBL Cab;

**NOW, THEREFORE, BE IT
RESOLVED**, as follows:

The Town Board of the Town of Lancaster hereby approves the purchase of one (1) new and unused **2015 Silverado 2500 4 x 4 DBL Cab** from the 2015 authorized Chautauqua County Bid Contractor, Emerling Chevrolet, 9000 Boston State Road, Boston, New York 14025 under Chautauqua County Bid Group V, Item 3 Vehicle 2 Base as proposed by the Superintendent of Highways of the Town of Lancaster in the sum not to exceed the contract price of \$18,773.45; the purchase will be paid for with funds from the Highway Budget line item 12-5110-0220 (passenger vehicles) and line item 13-5110-0225 (miscellaneous equipment).

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

| | | |
|--------------------------|-------|-----|
| COUNCIL MEMBER ABRAHAM | VOTED | YES |
| COUNCIL MEMBER AQUINO | VOTED | YES |
| COUNCIL MEMBER RUFFINO | VOTED | YES |
| COUNCIL MEMBER STEMPNIAK | VOTED | YES |
| SUPERVISOR FUDOLI | VOTED | YES |

March 16, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Wm. Schutt & Associates, P.C., the Town of Lancaster’s consulting engineer, has requested that the Town Board authorize an invitation to bid for the construction of the revised Town of Lancaster Highway Department’s Pre-Engineered Building, and

WHEREAS, the Town Board has given due review and consideration to the request and deems it in the public interest to invite public bids in conformance with General Municipal Law Section 103 of the State of New York;

**NOW, THEREFORE, BE IT
RESOLVED**, that the Town Board of the Town of Lancaster hereby invites public bids for the construction of the revised Town of Lancaster Highway Department’s Pre-Engineered Building, said bids are to be in conformance with the plans and specifications which are available at the office of Wm. Schutt & Associates, P.C., 37 Central Avenue, Lancaster, New York 14086 and to be received in the Office of the Town Clerk, 21 Central Avenue, Lancaster, New York, no later than 10:00 A.M. Local Time on April 9, 2015 and opened thereafter.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

| | | |
|-------------------------|-------|-----|
| COUNCIL MEMBER ABRAHAM | VOTED | YES |
| COUNCIL MEMBER AQUINO | VOTED | YES |
| COUNCIL MEMBER RUFFINO | VOTED | YES |
| COUNCIL MEMBER STEMPIAK | VOTED | YES |
| SUPERVISOR FUDOLI | VOTED | NO |

March 16, 2015

NOTICE TO BIDDERS

FOR THE

TOWN LANCASTER TOWN HIGHWAY DEPARTMENT PRE-ENGINEERED BUILDING

Sealed bids for the proposed construction of the revised Town Highway Department Pre-Engineered Building in the Town of Lancaster will be received by the Town Clerk at her office in the Town Hall, 21 Central Avenue, Lancaster, New York on or before 10:00 A.M. local time on April 9, 2015, at which time they will be publicly opened and read aloud.

Contract Documents may be examined at the office of the Town Clerk and at the office of the ENGINEER, Wm. Schutt & Associates, P.C., 37 Central Avenue, Lancaster, New York 14086 between the hours of 9:00 A.M. and 4:00 P.M., except Saturdays, Sundays and Holidays.

Contract Documents for a pre-engineered building system (Contract G), a HVAC system (Contract H) and electrical work (Contract E) may be obtained at the office of the ENGINEER upon deposit of \$50.00 per set [two (2) checks of \$25.00 each payable to the ENGINEER]. If requested in writing, the ENGINEER will mail the Contract Documents to those wishing to obtain a set upon receipt of the \$50.00 deposit plus a non-refundable mailing charge of \$25.00 per set, made payable to the ENGINEER. Bidders will receive a refund of the entire deposit upon returning plans and specifications in good condition within thirty (30) days of the bid award; non-bidders will be refunded one-half of the deposit upon the return of such plans and specifications in good condition within the thirty (30) days following the award of the Contract.

Proposals shall be made and received upon the following conditions:

Each proposal must be accompanied by the deposit of a certified check, payable to the Town of Lancaster, for a sum equal to five percentum (5%) of the total amount of the Bid, or a bond with sufficient sureties in a penal sum equal to five percentum (5%) of such total bid amount, conditioned that if the proposal is accepted, that he will execute within fifteen (15) days from the date of the acceptance of the proposal, a suitable security bond in the amount of the Contract, conditioned for the faithful and prompt performance and completion of the Work specified in the Contract.

All bid deposits except that of the successful bidder will be returned.

Upon acceptance of his Bid, if the successful bidder fails to enter into a Contract pursuant to the requirements of the Contract Documents, or fails to give the further security prescribed in this Notice, with the same time limited therein, then the check deposited as aforesaid and the monies standing to the credit of the same, shall be forfeited to the Town as liquidated damages, or the payment of the bond enforced for the benefit of the Town. The Town of Lancaster reserves the right to waive informalities in or to reject any and all bids.

Consulting Engineers:
William Schutt & Associates, P.C.
37 Central Avenue
Lancaster, NY 14086-2143
(716) 683-5961
Date: March 19, 2015

By the Order of the Town Board of
Lancaster, Erie County, New York

Johanna Coleman
Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster is empowered by appropriate resolution to impose identification and user fees, in an amount or amounts to be determined by resolution from time to time by the Town Board, as authorized in Town Code, Chapter 29, § 29-5 Identification and user fees, and

WHEREAS, the interim department head of the Parks, Recreation and Forestry Department of the Town of Lancaster, by letter dated March 11, 2015, has requested that the Town Board adopt a revised fee structure for the Town of Lancaster’s Youth Recreational Basketball Program.

NOW, THEREFORE, BE IT

RESOLVED, that the following fee structure be and is hereby approved for the Town of Lancaster Parks and Recreation Department’s Youth Recreational Basketball Program:

- \$25.00 Registration fee per person
- \$75.00 Maximum registration fee per family

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

| | | |
|-------------------------|-------|-----|
| COUNCIL MEMBER ABRAHAM | VOTED | YES |
| COUNCIL MEMBER AQUINO | VOTED | YES |
| COUNCIL MEMBER RUFFINO | VOTED | YES |
| COUNCIL MEMBER STEMPIAK | VOTED | YES |
| SUPERVISOR FUDOLI | VOTED | YES |

March 16, 2015

COMMUNICATIONS & REPORTS

- 156. Town Attorney to NYSDEC, Erie County DPW, Erie County Health Dept., Div. of Sewerage Management, NYSDOT, and Erie County DEP –
Request for lead agency designation regarding Basil Kwik Oil Change Addition, 5123-5127 Transit Road (Proj. #1506). Disposition = Planning Committee**
- 157. Frank's Grille to Town Clerk –
30-day advanced notice to renew liquor license for Frank's Grille.
Disposition = Received & Filed**
- 158. Town Historian to Town Board –
Lancaster Historian's Report for 2014. Disposition = Received & Filed**
- 159. Residents of Glendale Drive & Parkdale Drive to Town Board –
Signed petition opposing the 00 Broadway rezone project for patio homes.
Disposition = Received & Filed**
- 160. Town Attorney to Town Board and Planning Board –
SEQR response from Erie County Division of Planning and Division of Sewerage Management regarding Summerfield Farms, Phase 7.
Disposition = Planning Committee**
- 161. Highway Superintendent to John Abraham, Chairman Highway Committee –
Request for equipment bonding. Disposition = For Resolution**
- 162. Highway Superintendent to Town Board –
Copy of December 15, 2014 bond request letter. Disposition = Received & Filed**
- 163. Interim General Crew Chief –
Request for bond for equipment. Disposition = For Resolution**
- 164. Town Clerk to Supervisor –
Request for letter to be sent to Erie County Commissioner of Finance asking that an extension be granted to the Warrant to collect unpaid 2015 County/Town taxes until June 30, 2015. Disposition = Received & Filed**
- 165. Interim General Crew Chief to Planning Board, Council Member Abraham, Council Member Ruffino and Council Member Stempniak --
No landscaping plan submitted for Basil Kwik Oil Change Addition, 5123-5127 Transit Road (Proj. #1506). Disposition = Planning Committee**
- 166. Interim General Crew Chief to Planning Board, Council Member Abraham, Council Member Ruffino and Council Member Stempniak –
No issues with site plan application for Fairways at Lancaster, 00 & 5354 Genesee Street. (Proj. #1501). Disposition = Planning Committee**
- 167. Interim General Crew Chief to Planning Board, Council Member Abraham, Council Member Ruffino and Council Member Stempniak –
No issues with site plan application for Hamlet Meadows (Harris Hill Senior Housing), 375 Harris Hill Road (Proj. #1404). Disposition = Planning Committee**
- 168. Interim General Crew Chief to Planning Board, Council Member Abraham, Council Member Ruffino and Council Member Stempniak –
No issues with site plan application for JPS Labs, 16 Lancaster Parkway (Proj. #1429). Disposition = Planning Committee**
- 169. Supervisor to Erie County Director of Real Property Tax Services –
Request for extension of Warrant to Collect 2015 County/Town Taxes/ Town of Lancaster. Disposition = Received & Filed**
- 170. Town Clerk to Town Board –
2015 Monthly County Settlement. Disposition = Received & Filed**
- 171. Michael & Loretta Belivieu to Town Board –
Signed petition opposing the 00 Broadway rezone project for patio homes.
Disposition = Received & Filed**

172. Town Line Volunteer Fire Dept. to Town Clerk –
Change in roster. Disposition – Resolution 3/16/15
173. Michael & Loretta Belivieu to Town Clerk –
Letter of opposition to 00 Broadway rezone project for patio homes.
Disposition = Received & Filed
174. Gwen Cassidy to Town Clerk and Town Board –
Letter of opposition to 00 Broadway rezone project for patio homes.
Disposition = Received & Filed
175. Jim Chisholm, Real Property Appraiser to Supervisor and Town Board –
Letter of resignation as Real Property Appraiser effective March 12, 2015.
Disposition = Received & Filed
176. Residents of Glendale Drive to Town Board –
Signed petition opposing the 00 Broadway rezone project for patio homes.
Disposition = Received & Filed
177. Town Clerk to Town Board –
Clerk's monthly report for February 2015. Disposition = Received & Filed
178. Interim General Crew Chief to Supervisor and Town Board –
Request for pay increase for lifeguards for 2015. Disposition = Received & Filed
179. Supervisor to NYS Senator Patrick Gallivan and NYS Assembly Member Angela Wozniak –
Letter of opposition to proposed Part W of the Article VII Revenue Bill
(S.2009/A.3009), Executive Control over Local Industrial Development Agencies.
Disposition = Received & Filed
180. Highway Superintendent to Town Board –
Request for resolution to purchase one new and unused 2015 Silverado 2500 4X4
DBL Cab off Chautauqua County Bid. Disposition = Resolution 3/16/15
181. Town Attorney to Town Board and Planning Board –
SEQR response from NYS Dept. of Environmental Conservation regarding rezone
from RCO to CMS for 2815 & 2819 Wehrle Dr.
Disposition = Planning Committee
182. Town Attorney to Town Board and Planning Board –
SEQR response from NYS Dept. of Environmental Conservation regarding
Summerfield Farms, Phase 7. Disposition = Planning Committee
183. Town Attorney to Town Board and Planning Board –
SEQR response from NYS Dept. of Environmental Conservation regarding JPS
Labs, 16 Lancaster Parkway. Disposition = Planning Committee
184. Town Attorney to Supervisor, Town Board, Planning Board, Building Inspector,
Town Engineer, and Town Clerk –
Notice of SEQR meeting regarding Site Plan: Cadby Industrial Park Addition,
2 Cadby Industrial Park (Proj. #4019) and Rezone: 2815 & 2819 Wehrle Drive
from RCO to CMS on March 16, 2015 at 6:15PM.
Disposition = Planning Committee
185. Town Clerk to Police Chief and Code Enforcement Officer –
Transmittal of Application for a Game Room License for Regal 16 Cinemas,
6707 Transit Road. Disposition = Received & Filed
186. Town Clerk to Various News Media –
Notice of Special Meeting of the Town Board and Planning Board regarding Site
Plan: Cadby Industrial Park Addition, 2 Cadby Industrial Park and Rezone: 2815
& 2819 Wehrle Drive from RCO to CMS. Disposition = Received & Filed
187. Jim Chisholm, Real Property Appraiser to Supervisor and Town Board –
Updated letter of resignation as Real Property Appraiser effective March 28, 2015.
Disposition = Received & Filed

- 188. Executive Director of the Youth Bureau to Supervisor and Town Board –
Recommend one individual for hire as a regular part-time tutor for the Lancaster Youth Bureau effective March 16, 2015. Disposition = Resolution 3/16/15**
- 189. Executive Director of the Youth Bureau to Supervisor and Town Board –
Recommend one individual for hire as a regular part-time tutor for the Lancaster Youth Bureau effective March 16, 2015. Disposition = Resolution 3/16/15**
- 190. Town Clerk to Town Engineer –
Map cover for verification for Severyn Subdivision.
Disposition = Received & Filed**
- 191. Planning Board Chairman to Planning Board, Town Board, Town Engineer, Town Attorney, Highway Superintendent, and Building Inspector –
Draft minutes from March 4, 2015 Planning Board meeting.
Disposition = Planning Committee**
- 192. Planning Board to Town Board –
Memo recommending approval of rezone petition for 2815 & 2819 Wehrle Drive; conditions noted. Disposition = For Resolution**
- 193. Planning Board to Town Board –
Memo recommending approval of site plan for Addition at 2 Cadby Industrial Park (Proj. #4019). Disposition = For Resolution**
- 194. Planning Board to Town Board –
Recommend to table site plan review for Summerfield Farms, Part 7, South of William Street (Proj. # 3041); condition noted. Disposition = For Resolution**
- 195. Planning Board to Town Board –
Memo recommending approval of site plan review for JPS Labs, 16 Lancaster Parkway (Proj. #1429); condition noted. Disposition = For Resolution**
- 196. Planning Board to Town Board –
Memo recommending approval of site plan review for Basil Kwik Oil Change, 5123-5127 Transit Road (Proj. #1506); conditions noted.
Disposition = For Resolution**
- 197. Planning Board to Town Board –
Memo recommending approval of site plan review for Hamlet Meadows, 375 Harris Hill Road (Proj. #1404); conditions noted.
Disposition = For Resolution**
- 198. Planning Board to Town Board –
Memo recommending approval of site plan review for Fairways at Lancaster, 00 & 5354 Genesee Street (Proj. 1501); condition noted.
Disposition = For Resolution**
- 199. Interim General Crew Chief –
Request for resolution to increase basketball registration fee from \$10.00 to \$25.00 with a cap of \$75.00 per family. Disposition = Resolution 3/16/15**

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER ABRAHAM AND SECONDED BY COUNCIL MEMBER STEMPNIAK AND CARRIED, the meeting was adjourned in memory of Pamela Huxley and John Visone at 8:17 P.M.

Signed _____
Johanna M. Coleman, Town Clerk